

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
PECOS DIVISION**

**MICHAEL TRAVALINO, a/k/a
MARK WHITE EAGLE
Plaintiff,**

v.

**STATE OF TEXAS,
Defendant.**

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P-09-CV-26

FILED
SEP 15 2010
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY TPC
DEPUTY CLERK

FINAL JUDGMENT DISMISSING CASE WITHOUT PREJUDICE

On June 14, 2010, Magistrate Judge Dwight Goains issued an Order Instructing Petitioner to Complete Service of Process, Denying Motions to Vacate, and Construing Motion to Dismiss as Memorandum in Support (Doc 16). Both this Court (Doc. 3) and the Magistrate (Doc. 16) have directed Plaintiff twice to complete service of process in accord with Rule 4 of the Federal Rules of Civil Procedure. The Court has notified Plaintiff that if no action was taken to effect service of process on the defendants, this case would be subject to dismissal. According to the Court's records, Plaintiff has failed to take any action to serve a summons on any defendant as of this date.

Further, the Court cannot find logic in Plaintiff's objections to Magistrate Judge Goains's Order (Doc. 19). Plaintiff himself sought removal jurisdiction of this Court, then claimed this Court and the Magistrate, for various reasons, lacked jurisdiction in this case. This Court does not reach the merits of Plaintiff's objections because such consideration is procedurally barred by Plaintiff's refusal to administer service of process, per the Federal Rules.

Thus, the Court **DISMISSES Plaintiff's Complaint WITHOUT PREJUDICE** for failure to prosecute, pursuant to Federal Rule of Civil Procedure 4.

IT IS SO ORDERED.

SIGNED this 14 day of SEPTEMBER, 2010.

A handwritten signature in black ink, appearing to read "Robert J. Unell", written over a horizontal line.

ROBERT J. UNELL
United States District Judge
Western District of Texas